IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8006 OF 2005
IN
CRIMINAL APPEAL NO. OF 2005

The State of Maharashtra ...Applicant

V/s.
Shri. Ravindra Dhondu Pande & Anr. ...Respondents

Mr.Y.S. Shinde APP for the State/Applicant.
Mr.Sameer Tendulkar for Respondents.

CORAM : V.M. KANADE, J.
DATED :12th SEPTEMBER, 2007.

P.C:-

1. This is an application for leave to file an Appeal against the order passed by the JMFC, Dapoli, dated 11/07/2005. Respondents/Accused were alleged to have committed offences punishable U/s.323, 324, 326, 504 r/w 34 of IPC. The Trial Court has observed that the prosecution had not examined a single witness and though summons was issued on earlier three occasions neither the Complainant nor other witnesses were present and no explanation was given by the prosecution explaining reason why none of the witnesses remained present.

2. Learned counsel for the Applicant submitted that steps were being

taken by the prosecution to secure presence of the witnesses and fact that an application for issuance of witness summons was filed on the same day. However, the said application was rejected and thereafter, impugned order is passed.

3. In my view, there is no infirmity in the order passed by the learned Magistrate. Sufficient time was given to the prosecution to examine the witnesses. Offence in question took place on 21/10/2000 and the impugned order was passed on 11/07/2005. That itself indicates that sufficient opportunity was given by the Trial Court to the prosecution. Hence, there is no reason to interfere with the impugned order. Leave is refused. Appeal is dismissed.

. Criminal Application is disposed of accordingly.

V.M. KANADE, J.